IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1615 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHHAYA PRAMODCHANDRA MODI

Versus

REGIONAL PASSPORT OFFICE

Appearance:

1. Special Civil Application No. 1615 of 2002

MR ZUBIN F BHARDA for Petitioner No. 1

MR DN PATEL for Respondent No. 1 & 2

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 01/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Mr.Bharda,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Bharda, learned advocate for the petitioner has taken me through the petition and documents attached thereto. It is his contention that the passport authority had issued a passport in favour of the petitioner considering her application on 27th June, 1997 showing the birth date of the petitioner as 3rd October, 1960. The xerox copy of the passport is annexed to the petition as Annexure C. It is the case of the petitioner that at the time of submitting the application for passport while submitting the documents, the petitioner had relied upon the school leaving certificate issued by School authority namely, Head Master, T.T.V. Sarvajanik High School, Surat dated 28.11.1981 showing the date of birth of the petitioner as 3rd October, 1960. It is the case of the petitioner that the petitioner has got admission in the school by disclosing the date of birth as 3rd October, 1960. It is submitted that actual date of birth as per the birth certificate issued by the Brihanmumbai Mahanagarpalika is 3rd October, 1961 and therefore, the birth date of the petitioner may be seen as 3rd October, 1961 in the passport instead of 3rd October, 1960.

2. The petitioner has approached the respondent authority by submitting representation dated 4.1.2002, requesting the authority to correct the birth date of the petitioner mentioned in the passport. Mr. Bharda, learned advocate appearing for the petitioner has submitted that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and accordingly, he requested that necessary direction be given to the authority.

3. Mr. Patel, learned Standing Counsel for the respondent has submitted that in the passport application submitted by the petitioner, the petitioner has furnished school leaving certificate showing her birth date as 3rd October, 1960 and accordingly, while issuing passport, the authority has rightly inserted the birth date of the petitioner as 3rd October, 1960 and there is no power to the authority to change the birth date of the petitioner.

4. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Brihanmumbai Mahanagarpalika shows that the birth date of the

petitioner is 3rd October, 1961 as per the birth certificate dated 29.12.1997, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

5. Mr. Bharda, learned advocate for the petitioner has stated that the petitioner will apply for new passport and the respondent is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible.

6. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)
pallav